

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

Case Type: Other Civil

Sterling Serino,

Case No. 27-CV-10-7114

Judge Cara Lee Neville

Plaintiff,

vs.

ANSWER

Afni Inc.,

Defendant

For its Answer to Plaintiff's Complaint, Defendant Afni, Inc. ("Afni") states and alleges as follows:

1. Denies each and every matter, allegation and thing set forth in Plaintiff's Complaint except as hereinafter specifically admitted, qualified, or alleged.
2. Admits that it communicated with a woman who identified herself as Plaintiff's spouse concerning debt incurred by Plaintiff that had been referred to Afni for collection.
3. Alleges that prior to commencement of this action Plaintiff filed a chapter 13 voluntary petition in the United States Bankruptcy Court for the District of Minnesota, case number 10-42172 and did not disclose his purported claim against Afni as an asset in bankruptcy.
4. Alleges lack of subject matter jurisdiction.
5. Alleges that Plaintiff's Complaint fails to state a claim upon which relief may be granted in whole or in part.
6. Alleges that Plaintiff lacks standing to assert the cause of action alleged in the Complaint.

7. Alleges that Defendant complied with all applicable laws and regulations concerning the subject communications, assuming that the underlying debt was a “consumer debt” within the meaning of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. (“FDCPA”).

8. Alleges that Plaintiff’s damages and relief are limited under the FDCPA.

9. Alleges that Plaintiff’s claims may be barred by the applicable statute of limitations.

10. Alleges that Plaintiff’s claims are barred, in whole or in part, by the doctrines of waiver, laches, estoppel, unclean hands, res judicata, or collateral estoppel.

11. Afni reserves the right to assert other defenses as discovery and investigation proceed.

DEMAND FOR JURY TRIAL

Afni demands a jury trial of this matter.

WHEREFORE, Defendant Afni, Inc. demands that judgment be entered by dismissing Plaintiff’s Complaint with prejudice and on the merits and that be awarded its costs, disbursements and attorney’s fees incurred herein, together with such other and further relief as the Court deems just and proper.

ACKNOWLEDGMENT

Defendant, through its undersigned counsel, hereby acknowledges that sanctions may be imposed under the circumstances set forth in Minn. Stat. § 549.211.

BASSFORD REMELE
A Professional Association

Dated: April 26, 2010

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